

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DOUSTALY, Laurent

SERIAL NO.: 10/678,864

ART UNIT: 3676

FILED: October 3, 2003

EXAMINER: Peavey, E.E.

TITLE: SEAL DEVICE FOR A COOKING UTENSIL CALLED A COUSCOUS PAN

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of March 23, 2005, a response being due by June 23, 2005,
please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 6 have been canceled and new Claims 7 - 10 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art and also for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, it was indicated that Claims 1 - 6 were rejected under 35 U.S.C. § 102(b) as anticipated by the Meyer patent. Additionally, Claims 1 - 6 were rejected under 35 U.S.C.

§112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As an overview to the present reply, Applicant has extensively amended the original claim language in the form of new independent Claim 7. New independent Claim 7 positively recites the “couscous pan”. Specifically, it is recited that the couscous pan has a lower part and an upper part. The upper part has a bottom that is removably received within an opening at the top of the lower part. A junction is formed between the upper part and the lower part. It is further recited that the seal has a first portion affixed over the top of the lower part and a second portion affixed around the upper part so as to cover the junction. It is specified that the seal is of a polymeric material and has an annular shape. Applicant respectfully contends that these features serve to distinguish the present invention from the prior art. Additionally, independent Claim 7, along with dependent Claims 8 - 10, have been prepared in a more proper /U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein.

Relative to the prior art rejections, Applicant notes that the Examiner has rejected the claims based upon the double directional gasket as described in the Meyer patent. This double directional gasket includes a gasket that is received between a pair of brackets secured to first and second structures. The seal is actually compressed in the areas between these brackets so as to establish the seal. The brackets are of the type that are used on “hatches, scuttles and bulkhead doors on ships” (see column 1, lines 24 - 26).

Relative to the present claims, Applicant notes that the Meyer patent does not describe a couscous pan in any way. Additionally, there is no structure that is described wherein the top part

has a bottom that is received within an opening in the lower part. The Meyer patent does not describe the seal as fitting around the exterior of the top of the lower part and also around the upper part so as to effect a seal therebetween. Applicant respectfully contends that the positive recitation of the couscous pan would serve to properly distinguish the present invention from the prior art patent. Additionally, since the Meyer patent does not describe a “couscous pan”, there can be no anticipation under 35 U.S.C. §102.

Dependent Claim 8 reflects the limitations of previous dependent Claim 3. In particular, it is stated that there is at least one external peripheral groove formed around the seal. This structure allows the seal to be adapted to various shapes of couscous pans.

Dependent Claim 9 reflects the limitations found in original dependent Claim 5. In particular, dependent Claim 9 recites that the seal has a plurality of tongues extending radially outwardly therefrom. As was recited in the specification, these tongues facilitate the ability to properly move the second portion into a proper position around the upper part of the couscous pan.

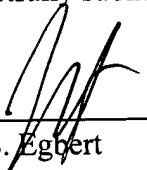
Dependent Claim 10 reflects the limitations found in original dependent Claim 6. The indefinite terminology of “or a similar synthetic material” has been removed herefrom.

Based upon the foregoing analysis, Applicant contends that independent Claim 7 is now in a proper condition for allowance. Additionally, those claims which are dependent upon Claim 7 should also be in a condition for allowance. Reconsideration of the rejections and allowance of the

claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

6-21-05
Date



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